

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DENYSE CORDERO,

Plaintiff,

-v-

UNITED AIRLINES, INC.,

Defendant.  
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23 Civ. 8583 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

In light of Plaintiff’s failure to file or serve a complaint, the Initial Pretrial Conference scheduled for December 4, 2023, is adjourned *sine die*.

“Although the Federal Rules of Civil Procedure apply to actions after removal, state law governs the sufficiency of service of process before removal.” *Montefiore Med. Ctr. v. Aetna Health, Inc.*, No. 21 Civ. 7838 (MKV), 2021 WL 5113013, at \*1 (S.D.N.Y. Nov. 3, 2021). Here, after instituting this action on or around August 25, 2023, in Supreme Court of the State of New York, County of New York, Plaintiff served Defendant with a Summons and Notice on August 30, 2023. Dkt. 1 (“Notice of Removal”) ¶ 3; Dkt. 1-1. On or around September 13, 2023, Defendant filed a demand for service of a complaint under New York Civil Practice Law and Rules section 3012(b). Notice of Removal ¶ 4; Dkt. 1-2. That provision requires “[s]ervice of the complaint [to] be made within twenty days after service of the demand.” N.Y. C.P.L.R. 3012(b). Plaintiff has yet to file a complaint in this action.

It is hereby ordered that Plaintiff serve a complaint on Defendant by November 16, 2023. If service has not been made on or before that date, and if Plaintiff fails to show cause, in writing, why service has not been made, this action may be dismissed for failure to prosecute. The Clerk

of Court is directed to mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED.

Dated: November 2, 2023  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

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JOHN P. CRONAN  
United States District Judge